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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/519,735	12/28/2004	Yoshito Saji	10407-121US(A3048MT-US1)	2734

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AKIN GUMP STRAUSS HAUER & FELD L.L.P.  
ONE COMMERCE SQUARE  
2005 MARKET STREET, SUITE 2200  
PHILADELPHIA, PA 19103

EXAMINER
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KAYRISH, MATTHEW

ART UNIT	PAPER NUMBER
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2627

MAIL DATE	DELIVERY MODE
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10/16/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.	Applicant(s)	
10/519,735	SAJI ET AL.	
Examiner	Art Unit	
Matthew G. Kayrish	2627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 03 August 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,2,5-10 and 27-29 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 5-10 and 27-29 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |                                                                                                            |                                                                                         |
|------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____                                                |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 8/3/2007 has been entered.

### ***Response to Arguments***

2. Applicant's arguments with respect to claims 1, 2, 5-7, 10, 27 and 28 have been considered but are moot in view of the new ground of rejection. Claim 1 has been amended. Claim 29 has been added. Claims 1, 2, 5-10 and 27-29 remain pending.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 2, 5-7, 10 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Okazawa et al (US Patent Number 6910219), in view of Spector (US Patent Number 5600628).

The applied reference has a common inventor with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art only under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 103(a) might be overcome by: (1) a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not an invention "by another"; (2) a showing of a date of invention for the claimed subject matter of the application which corresponds to subject matter disclosed but not claimed in the reference, prior to the effective U.S. filing date of the reference under 37 CFR 1.131; or (3) an oath or declaration under 37 CFR 1.130 stating that the application and reference are currently owned by the same party and that the inventor named in the application is the prior inventor under 35 U.S.C. 104, together with a terminal disclaimer in accordance with 37 CFR 1.321(c). This rejection might also be overcome by showing that the reference is disqualified under 35 U.S.C. 103(c) as prior art in a rejection under 35 U.S.C. 103(a). See MPEP § 706.02(I)(1) and § 706.02(I)(2).

Regarding claims 1 and 29, Okazawa disclose:

A disc cartridge for storing a disc that has a first side with a first functional portion and a second side, the disc cartridge comprising:

A cartridge body including a disc storage portion (figure 24, item 10d), a chucking opening (figure 24, item 11c) and a head opening (figure 24, item 11h), wherein the disc

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storage portion has a disc window (figure 24, item 12w) and a bottom (figure 24, item 11) and stores the disc therein so that the first side thereof is exposed through the disc window (figure 23);

The chucking opening is provided on the bottom of the disc storage portion (figure 24, item 11c) so as to get the disc chucked externally (column 15, lines 43-48); and

The head opening is also provided on the bottom of the disc storage portion so as to allow a head (figure 24, item 11h), which reads and/or writes data from/on the second side of the disc, to access the second side of the disc (column 15, lines 47-50);

A pair of shutters (figure 24, items 21 & 22), which are supported to, and movable with respect to the cartridge body so as to expose or cover at least the head opening (figure 26);

Disc holding portions provided at portions of the pair of shutters (figure 24, items 21a, 21b, 22a & 22b) for fixing the disc onto the shutters or the cartridge body synchronously with a movement of the shutters when the shutters cover the chucking opening and the head opening (column 25, lines 34-41).

Wherein the cartridge body is not provided with a third functional portion that produces the audiovisual effect by cooperating with the second functional portion (figure 24, the shutters and casing lack audiovisual effects).

Okazawa fails to specifically disclose:

A second functional portion, which is provided for the cartridge body and which produces an audiovisual effect by cooperating with the first functional portion of the disc.

Spector discloses:

A second functional portion, which is provided for the cartridge body and which produces an audiovisual effect by cooperating with the first functional portion of the disc (figure 6, item 18).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide Okazawa's cartridge with a design style utilizing the image on the disc and the completed image on the panel, as taught by Spector, because this will provide the user with a visual image of the audio content on the disc, and will furthermore help the user identify the contents of the disk before placing the disk into the player as mentioned by Spector in columns 2 and 4, lines 46-48 and 35-41.

Regarding claim 2, Okazawa and Spector disclose the features of base claim 1 as stated in the 103 rejection above, but Okazawa fails to specifically disclose:

Wherein the first and second functional portions produce a visual effect by cooperating with each other.

Spector discloses:

Wherein the first and second functional portions which produce a visual effect by cooperating with each other (figure 6).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide Okazawa's cartridge with the design style utilizing the image on the disc and the completed image on the panel, as taught by Spector, because this will provide the user with a visual image of the audio content on the disc, and will furthermore help the user identify the contents of the disk before

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placing the disk into the player as mentioned by Spector in columns 2 and 4, lines 46-48 and 35-41.

Regarding claim 5, Okazawa and Spector disclose the features of base claim 2 as stated in the 103 rejection above, but Okazawa fails to specifically disclose:

Wherein the first functional portion which is a first design provided on the first side, a second functional portion which is a second design provided on a portion of the upper surface of the cartridge body, near the disc window, and the first and second designs are combined together to make up a third design that looks like a single continuous design.

Spector discloses:

Wherein the first functional portion which is a first design provided on the first side (figure 1, item 14), a second functional portion which is a second design provided on a portion of the upper surface of the cartridge body (figure 6, item 18), near the disc window (figure 6, item 19), and the first and second designs are combined together to make up a third design that looks like a single continuous design (column 4, lines 23-30).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made that providing Okazawa's cartridge with the design style utilizing the image on the disc and the completed image on the panel, as taught by Spector, because this will provide the user with a visual image of the audio content on the disc, and will furthermore help the user identify the contents of the disk before placing the disk into the player as mentioned by Spector in columns 2 and 4, lines 46-48

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and 35-41. Furthermore, the combination would place this audiovisual effect near the disc window.

Regarding claim 6, Okazawa and Spector disclose the features of base claim 5 as stated in the 103 rejection above, but Okazawa fails to specifically disclose:

Wherein the first design is a picture drawn on the first side and the second design is a picture drawn on the upper surface.

Spector discloses:

Wherein the first design is a picture drawn on the first side (figure 1, item 14) and the second design is a picture drawn on the upper surface (figure 6, item 18).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to create the audiovisual effect on the cartridge of Okazawa out of a picture, as taught by Spector, because the audiovisual effect helps create an image in the users head of the audio portion of the disc, and will furthermore help the user identify the contents of the disk before placing the disk into the player as mentioned by Spector in columns 2 and 4, lines 46-48 and 35-41.

Regarding claim 7, Okazawa and Spector disclose the features of base claim 6 as stated in the 103 rejection above, but Okazawa fails to specifically disclose:

Wherein the first and second designs are planar.

Spector discloses:

Wherein the first and second designs are planar (figure 4, item 10 is planar with item 18).



Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to give Okazawa's disc window a depth equal to that of the disc, as taught by Spector, because this will prevent inconsistencies in the image created by the disc in combination with the cartridge.

Regarding claim 10, Okazawa and Spector disclose the features of base claim 6 as stated in the 103 rejection above, but Okazawa fails to specifically disclose:

Wherein the first side of the disc and the upper surface of the cartridge body are textured.

Spector discloses:

Wherein the first side of the disc and the upper surface of the cartridge body are textured (column 3, lines 44-47, paper is textured).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to create the audiovisual effect on the cartridge of Okazawa out of a textured adhesive paper, as taught by Spector, because this would make it cheaper to recreate in the instances that mistakes are made when painting directly on or embossing onto the disc.

5. Claims 8 and 9 rejected under 35 U.S.C. 103(a) as being unpatentable over Okazawa and Spector, as applied to claim 6 above, and further in view of Everidge et al (US Patent Number 6400675).

Regarding claim 8, Okazawa and Spector disclose the features of base claim 6 as stated in the 103 rejection above, but Okazawa fails to specifically disclose:

Wherein the first and second designs are embossed.

Everidge discloses:

An embossed design on the disk (column 3, lines 41-48).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to emboss the first and second designs disclosed in Okazawa's device, as taught by Everidge, because this will prevent deterioration of the image on the disc cartridge, since the image is physically part of the disc and cartridge, rather than simply painted thereon.

Regarding claim 9, Okazawa, Spector and Everidge disclose the features of base claim 8, as stated in the 103 rejection above, but Okazawa fails to specifically disclose:

Wherein the depth of the first design is substantially equal to that of the second design.

Spector discloses:

Wherein the depth of the first design is substantially equal to that of the second design (figure 4, designs of disc [10] are at the same depth as that of the outer panel [18]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide for the images on the cartridge of Okazawa to be embossed to an equal depth, as taught by Spector, because this will provide for an even, consistent image which will not show any discontinuities, as shown in figure 3.

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6. Claims 27 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Okazawa et al and Spector, as applied to claim 1 above, and further in view of Inoue (US Patent Number 6590858).

Regarding claims 27 and 28, Okazawa and Spector disclose the features of base claim 1 as stated in the 103 rejection above, and Okazawa further disclosing:

A disc drive comprising:

A supporting portion into which the disc cartridge of claim 1 is loadable (figure 104, item 910);

A spindle motor for mounting and rotating the disc thereon (figure 104, item 904);

A head, which is able to read and/or write data from/on the second side of the disc (figure 104, item 908).

Okazawa fails to specifically disclose:

A sensor for detecting a rotational angular position of the spindle motor when the disc is mounted on the spindle motor; and

A control section for controlling the spindle motor in accordance with a command to eject the disc cartridge such that the spindle motor stops at the rotational angular position when the disc is mounted thereon.

Inoue discloses:

A sensor for detecting a rotational angular position of the spindle motor when the disc is mounted on the spindle motor (figure 18, item D7); and

A control section for controlling the spindle motor in accordance with a command to eject the disc cartridge such that the spindle motor stops at the rotational angular

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position when the disc is mounted thereon (figure 18, item D1 must be connected to an ejection button).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use the cartridge of Okazawa in a disc drive with each of these components, as taught by Inoue, because disc drives are well-known to have each of these components.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew G. Kayrish whose telephone number is 571-272-4220. The examiner can normally be reached on 8am - 5pm M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wayne Young can be reached on 571-272-7582. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a


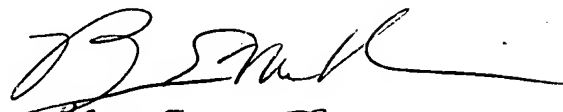
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Matthew G. Kayrish

10/14/2007

MGK

  
10/14/07  
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